

## REMARKS

### INTRODUCTION:

In accordance with the foregoing, claim 1 has been amended to enhance clarity. No new matter has been presented by way of the amendment.

Claims 1- 20 are pending and under consideration. Claims 1, 10, 15 and 18 are independent claims. Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

### REJECTIONS UNDER 35 USC § 103:

Claims 1-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Publication Number 2002-22961 by Noritomo ("Noritomo") over in view of US Patent Number 6,160,637 to Kagawa ("Kagawa"). Claims 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noritomo in view of Kagawa and further in view of US Pub number 2002/0196459 A1 by ("Kadowaki"). The rejections are respectfully traversed.

Independent claim 1 recites at least the following:

a wireless communication unit to...detect a wireless reception sensitivity of the image data, and output a wireless reception sensitivity information corresponding to a result of detection; and

an image forming unit to change a time-out value based on the wireless reception sensitivity information

Noritomo, Kagawa and Kadowaki, alone or in combination, fail to suggest or disclose at least the above-recited features.

The Office Action notes at page 3, second paragraph that Noritomo does not disclose all of the above-recited features. However, the Office Action proposes to modify Noritomo with Kagawa, stating the following regarding Kagawa:

"Kagawa "teaches a facsimile apparatus and method that has an image forming unit to change a time-out value based on the reception sensitivity information (i.e., depending the transmitting mode ((low transmitting or high transmitting can refer to the sensitivity of the signal)) a timer is set or reset. See Figure 1, 6 and 7 and See Column 2, Lines 1-10 and 30-56)..."

Applicant respectfully disagrees that Kagawa describes all of the above-recited features for at least the following reasons.

As the Office Action notes, Kagawa is directed to a facsimile apparatus and method. The apparatus and method of Kagawa relate to facsimile transmission and reception of data such as by the Group III transmission control procedure, which relates to facsimile transmission over landlines (col. 1, lines 5-10). Further, FIG. 1 of Kagawa illustrates a block diagram of a facsimile machine connected to a landline. Thus, Kagawa cannot describe "a wireless communication unit" because Kagawa is directed towards facsimile communication over landlines using ITU-T protocols such as Group III.

Kagawa further describes the selection of a low transmission mode or high transmission mode based on detection of a transmission error (FIG. 6). A disconnect unit further disconnects the facsimile machine from a telephone line after a waiting period when the facsimile machine is in the low transmission mode (col. 7, lines 60-63). The Office Action relies on Kagawa's description of a low transmission mode and high transmission mode as the basis for the present rejection. However, there is nothing in Kagawa's description of a low transmission mode and high transmission mode to suggest "wireless reception sensitivity information," because Kagawa relates only to transmission over landlines. Further, Kagawa describes changing the time out value based on the transmission rate, how much of the expected image data was received before the transmission error was detected, or how much more image data was expected to be received at the time the transmission error was detected (col. 1, lines 53-57). Kagawa does not describe "changing a time-out value based on wireless reception sensitivity information." In fact, a word search of Kagawa reveals that neither the word wireless nor the word sensitivity is even mentioned in the document. Therefore, Kagawa does not suggest or disclose all of the features recited in independent claim 1.

Applicant further respectfully submits that Kadowaki fails to cure the deficiencies of Noritomo and Kagawa.

Accordingly, Applicant respectfully submits that independent claim 1 patentably distinguishes over Noritomo, Kagawa and Kadowaki, and should be allowable for at least the above-mentioned reasons. Since similar features recited by independent claims 10, 15, and 18, with potentially differing scope and breadth, are not taught or disclosed by the references, the rejection should be withdrawn and claims 10, 15, and 18 also allowed.

Further, Applicant respectfully submits that claims 2-9, 11-14, 16-17 and 19-20, which variously depend from independent claims 1, 10, 15, and 18, should be allowable for at least the same reasons as claims 1, 10, 15, and 18, as well as for the additional features recited therein.

Dependent claim 3 recites at least the following:

the wireless communication module outputs the reception sensitivity information by repeatedly checking the wireless reception sensitivity of the image data for a predetermined temporal interval in accordance with a control signal of the central processing unit while the image data is being transmitted

Noritomo, Kagawa and Kadowaki, alone or in combination, fail to suggest or disclose at least the above-recited features.

The Office Action asserts that the combination of Noritomo and Kagawa describe all of the above-recited features of dependent claim 3. Applicant respectfully disagrees. As asserted above with respect to claim 1, neither Noritomo nor Kagawa even suggest "detecting a wireless reception sensitivity information," and thus the proposed combination fails to disclose all of the above-recited features. Further, Kadowaki fails to cure the deficiencies of Noritomo and Kagawa.

Accordingly, Applicant respectfully submits that dependent claim 3 patentably distinguishes over Noritomo, Kagawa and Kadowaki, and should be allowable for at least the above-mentioned reasons.

#### REJECTION BASED ON MACHINE TRANSLATION IS IMPROPER

Applicant respectfully asserts all of the rejections based on the machine translation of Noritomo are improper. MPEP § 706.02, section II states:

"if a document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection" (emphasis added).

The machine-translated copy of Noritomo currently provided has numerous translation errors and is difficult to comprehend. As stated in the disclaimer found in the document header, the machine translation "may not reflect the original precisely." Consequently, Applicant respectfully requests a translation of the cited document in any future office action relying on the same in order to demonstrate that Noritomo fails to anticipate or render obvious the claims of the present application. Further, any subsequent Office Action should be made non-final to give Applicant an opportunity to review the Office's position as to these arguments and to clarify the record for appeal.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

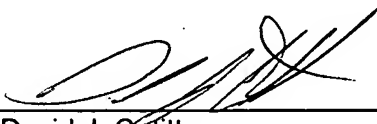
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Jan. 25, 2008

By:   
David J. Cutitta  
Registration No. 52,790

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501